

CLEAN WATER ACT (CWA)

2-22. Administrative Compliance Orders and Notices of Violation

1. AUTHORITY. Pursuant to Section 309(a) of the Clean Water Act, as amended, (CWA):

- a. to make findings of violations;
- b. to issue and serve notices of violation;
- c. to issue and obtain service of administrative compliance orders;
- d. to send copies of any order issued to appropriate States; and
- e. to confer with persons to whom an order is issued.

2. TO WHOM DELEGATED.

a. All authorities are delegated to the Directors, Environmental Assessment and Innovation Division (EAID), Hazardous Site Cleanup Division (HSCD), Water Protection Division (WPD), Office of Enforcement, Compliance, and Environmental Justice (OECEJ), and the Associate Division Director, Office of Enforcement, HSCD.

b. The authority in 1.e. is delegated to the staffs of EAID, HSCD, WPD, and OECEJ.

3. LIMITATIONS.

a. The EAID delegates may use these authorities only for implementing Sections 404 and 308.

b. The WPD delegates may use these authorities only for implementing Sections 301, 302, 306, 307, 308, 318, 402, and 405.

c. The HSCD delegates may use these authorities only for implementing Sections 301, 308 and 311.

d. The OECEJ delegates may exercise these authorities only in multi-media cases.

e. The OECEJ delegates must consult with the EAID, HSCD or WPD delegates before exercising these authorities.

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(cont)

4. REDELEGATION AUTHORITY. These authorities may not be redelegated without further amendment.

5. ADDITIONAL REFERENCES.

a. Sections 309 of the CWA, 33 U.S.C. ' 1319.

b. 40 C.F.R. " 122-125.

c. Delegations Manual, CWA, EPA Delegation 2-22. Administrative Compliance Orders and Notices of Violation, 1200 TN 350 (May 11, 1994).

6. SUPERSESSON. Delegations Manual, CWA, Regional Delegation 2-22. Administrative Compliance Orders and Notices of Violation, 1200 TN RIII-149 (February 27, 2003).

Date 9/1/05

/s/ James W. Newsom
Donald S. Welsh
Regional Administrator